

Amendment in response to
May 16, 2008 final Office Action

Atty Dkt No.: 1998P07977 US03
Serial No.: 09/218,783

REMARKS

Claims 1 – 27 remain in the application and stand finally rejected. Claim 8 is amended by this proposed amendment. Although this Amendment is being timely filed, the Commissioner is hereby authorized to charge any additional fees that may be required for this paper or credit any overpayment to Deposit Account No. 19-2179.

The MPEP provides in pertinent part "the examiner should always look for enabled, allowable subject matter and communicate to applicant what that subject matter is at the earliest point possible in the prosecution of the application." MPEP 2164.04.

Claim 8 is amended by this proposed amendment to recite that the invite request unit includes the automatic select unit 150 and manual select unit 152. This is supported in the specification, e.g., at page 10, line 15 – page 13, lines 14 (e.g., "Referring to FIG. 7, in an automatic mode of operation, unlike in the manual mode, the call pickup station does not initiate the process by which group pickup is invoked."). No new matter is added and this is neither shown or suggested by any reference of record. Entry of the amendment, consideration and allowance of claim 8 is respectfully requested.

Claims 1 – 27 are finally rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 5,579,380 to Ferguson et al. The final rejection is respectfully traversed.

Referring to Fig. 2, Ferguson et al. teaches a device (Hunting Simulator 16) for a company with a single published incoming telephone number 20 and multiple unpublished outgoing lines 27, 31 and 34. For example, the Yellow Pages may list the company number as 888-555-1000; while the company may also have other unpublished lines at (e.g., extensions) 1001, 1010 and 1100 that are normally used for outgoing calls. Thus, Ferguson et al. is concerned with having incoming calls roll over to those outgoing lines whenever the incoming line is busy. Col. 1, lines 17 – 21 ("This service utilizes a conventional hunting feature available in the telephone company's central office (CO) switch to automatically process incoming calls from a subscriber's published line to an available line in the subscriber's system if the subscriber's

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published line is busy.”). Ferguson et al. is concerned with providing a pseudo-rollover as a low-cost alternative to the normally expensive rollover feature. *Id.*, lines 37 – 44.

The Hunting Simulator 16 example of Ferguson et al. Fig. 2

is operable with a key service unit (KSU) or private branch exchange (PBX) having any number of telephone lines. Three embodiments of the invention are currently being manufactured and sold. One embodiment handles up to five lines, another embodiment handles up to seven lines, and the third embodiment handles nine lines or less. The illustrated embodiment shows the KSU 15 equipped to handle a total of five telephone lines, the MPL 17 plus four other telephone lines.”

Col. 3, lines 28 – 36. All calls on all lines, incoming and outgoing, on these lines pass through the Ferguson et al. Hunting Simulator 16. *Id.*, lines 40 – 56. Thus, the Ferguson et al. Hunting Simulator 16 acts more analogous to a router with all lines passing through it in and out.

Further, all lines are subscribed with the lower cost call pick up service with the Ferguson et al. Hunting Simulator 16. *Id.* The Ferguson et al. Hunting Simulator 16 automatically transfers incoming calls to the published line (MPL 16) to one of the other lines in an installed order for those lines. Col. 3, line 60 – col. 4, line 26 (“If available lines or open circuits exist, the line to be selected is chosen in an installed order, ...”). The Ferguson et al. Hunting Simulator 16 signals the pick up from that line and the telephone company central office (CO) transfers the incoming call to that selected line. Col. 4, lines 11 – 18. This is all very different than the present invention, both as described and as recited by the rejected claims.

With regard to claim 1, for example, applicants are unable to identify anything in Ferguson et al. that would constitute “one or more servers,” much less a plurality of servers as recited in claims 3, 15, 22 and 27. Certainly not a device like the Ferguson et al. Hunting Simulator 16 that acts like a router and “operable with a key service unit (KSU) or private branch exchange (PBX) having any number of telephone lines.” *Supra, and see*, claim 9, lines 2 – 3, claim 12, lines 1 – 2, claim 15, lines 1 – 4, claim 22, lines 1 – 4 and claim 27, lines 2 – 4. Further, accepting arguendo that like the Ferguson et al. Hunting Simulator 16 is a server, what is the network? The Ferguson et al. CO 10 and Hunting Simulator

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16? The key service unit 15 is not connected to the CO 10, but only to the Hunting Simulator 16.

Applicants are unable to identify anything in Ferguson et al. that would constitute a server that includes "call group lists of members for each call group, said each call group having listed members from said one or more call group locations;" Claim 1, lines 4 – 6, *and see*, corresponding recitations in independent claims 9, 12, 15, 22 and 27. Following an installed order doesn't require a list and ignores any line not currently selected. Besides, if all of the lines available for transfer are connected to and pass through the Hunting Simulator 16, there isn't any need for a list.

Moreover, claim 3 effectively recites "one or more call group locations associated with different ones of said [plurality of] servers, each of said [plurality of] servers including call group lists of members for each call group,"... "wherein a call pickup party may be located on any server within the network and picking up a call at a destination associated with another server in the network." Claim 1, lines 3 – 5 and claim 3, lines 1 – 4, *and see*, corresponding recitations in claims 15, 22 and 27. Adding a second Hunting Simulator 16 and key service unit 15 to Ferguson et al. Figure 2 would not allow a member associated with a line on the first pickup on the second and vice versa.

Nothing in Ferguson et al. shows "an invite request unit to invoke the group pickup system;" and, as far as the applicants could discern, nothing is alleged to by the Final, at least not with any specificity. Claim 1, line 7, *and see*, corresponding recitations in independent claims 9, 12, 15, 22 and 27.

Because the Ferguson et al. Hunting Simulator 16 invokes pickup by an open unpublished line, it might be termed a pickup unit. However, it is not "a group pickup request unit responsive to said invite request unit ... automatically serially selected responsive to one of an alerting **listed** group member location and manually selected responsive to a responding **listed** group member location;" Claim 1, lines 12 – 13, *and see*, corresponding recitations in independent claims 9, 12, 15, 22 and 27. Pickup is always with one of the lines passing through the Ferguson et al. Hunting Simulator 16.